



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: June 22, 2010

Department: Zoning, Building, Planning **Staff Contact:** Brennon Williams, Zoning Admin.

TITLE: APPEAL: Recommendation of the County Planning Commission for cancellation of a Special Use Permit for a School Bus Operation and Parking Lot (CO-90011/CSU-50026).

COUNTY PLANNING COMMISSION RECOMMENDATION:

Cancellation of the Special Use Permit.

SUMMARY:

This matter was previously deferred by the Board of County Commissioners (BCC) from their March 2010, September 2009, and March 2009 meetings to allow the applicant additional time to complete the necessary development improvements on the subject site in order to comply with the Conditions of Approval. However, as of the publication deadline for this report (06/10/10), staff was unaware of any additional action taken to complete the necessary steps.

On February 4, 2009, the County Planning Commission (CPC) voted unanimously (5-0) to recommend cancellation of a Special Use Permit for a School Bus Operation and Parking Lot (CSU-50026). The subject property is located at 1325 Foothill Rd. SW, zoned A-1, and contains approximately 9.16 acres. The CPC decision was based on four Findings.

The request for cancellation was the result of noncompliance with the established conditions of approval. The CPC had previously deferred the matter from their August and February 2008 public hearings, as well as the November 2007 meeting. However, when no one appeared at the scheduled meeting in February 2009, and no progress toward the completion of the necessary actions could be determined, the resulting recommendation was cancellation of the previous approval.

The Comprehensive Zoning Ordinance of Bernalillo County authorizes cancellation of a Special Use Permit after determination of a continued violation, proper notification to the property owner, and the holding of a public hearing (Sec. 18.H. of the Comprehensive Zoning Ordinance of Bernalillo County).

ATTACHMENTS:

1. BCC's Notices of Deferral (Mar. 25, 2010, Sept. 24, 2010, & Mar. 26, 2009)
2. Appellant's previous requests for deferral (March 22, 2010 & September 22, 2009)
3. Appeal application

4. CPC's Notice of Decision (February 6, 2009)
5. CPC packet (February 4, 2009)

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff recommends denial of the appeal.